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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,834	08/02/2000	Sumio Yuyama	894.1.008	8035
7590	06/02/2006		EXAMINER	
Kenneth Watov Watov & Kipnes PC P O Box 247 Princeton Junction, NJ 08550			SHERR, CRISTINA O	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,834

Applicant(s)

YUYAMA, SUMIO

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on March 10, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-20 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-20 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed March 10, 2006. Claims 1, 14, and 27 have been amended. Claim 14 has been amended. Claims 1-12, 14-20, and 23-33 are pending in this case.

Response to Arguments

2. Applicant's arguments, see applicant's amendment, filed March 10, 2006, with respect to the rejection(s) of claim(s) 1, 14 and 27 as currently amended have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of prior art found through further search.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12, 14-20, and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiser et al (US 6,505,174) in view of Lupien et al (US 5,101,353).

5. Regarding claim 1 –

Keiser discloses an asset management advice system comprising: a database storing purchase and sale signals relating to assets to be traded in a market; and a data processing means for producing both a suitable investment scenario when user's

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property information is input from a user terminal via a prescribed communication mechanism, referring to the purchase and sale signals to send management advice data based on the investment scenario to the user terminal and performing an asset transaction in accordance with a response to the management advice data from the user terminal, wherein, the user can select either a real mode in which to access the market to perform real time actual asset transactions made by the data processing means or a virtual mode in which the transactions are performed without making an actual asset transaction, and the results are tracked using actual market results as if an actual transaction had been made in the market. (e.g. col 6 ln 40-60).

6. Although Keiser deals specifically with entertainment-industry-related assets, it would be obvious to one of ordinary skill in the art to adapt the invention in Keiser for use with other financial instruments.

7. Additionally, Keiser does not provide the user with trading advice (Lupin at e.g. abs.) provided in real-time (Lupien at e.g. col 3 ln 15-45). Lupien, however, does, as noted above. It would be obvious to combine the teachings of Keiser and Lupien to make a more useful and more user-friendly method of trading and managing assets either virtually or in reality.

8. Regarding claim 2 –

Keiser discloses an asset management advice system according to claim 1 wherein, data relating to prices, the amount of remains and the volume of trading of assets to be traded is utilized as parameters for the purchase and sale signals (e.g. col 7 ln 10 – col 8 ln 10).

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9. Regarding claim 3 –

Keiser discloses an asset management advice system according to claim 2 wherein, quantitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 10 – 50).

10. Regarding claim 4 –

Keiser discloses an asset management advice system according to claim 2 wherein, qualitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 45-65).

11. Regarding claim 5 –

Keiser discloses an asset management advice system according to claim 2 wherein, quantitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 50 – col 8 ln 10).

12. Regarding claim 6 –

Keiser discloses an asset management advice system according to claim 2 wherein, qualitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 10 – col 8 ln 10).

13. Regarding claim 7 –

Keiser discloses an asset management advice system according to claim 1 wherein, the data processing means automatically collects data concerning the purchase and sale

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signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (e.g. col 7 ln 10 – col 8 ln 10).

14. Regarding claim 8 –

Keiser discloses an asset management advice system according to claim 1 wherein, the data processing means produces a plurality of investment scenarios with the different characteristics and produces management advice data based on one investment scenario of them in accordance with user's selection (e.g. col 2 ln 50-62).

15. Regarding claim 9 –

Keiser discloses an asset management advice system according to claim 8 wherein, an animation character is set for each investment scenario and the character operates in accordance with the management advice data, to be an interface with the user (e.g. col 7 ln 10 – col 8 ln 10).

16. Regarding claim 10 –

Keiser discloses an asset management advice system according to claim 9 wherein, the data processing means stores management performance records for a past prescribed period of each investment scenario and the management performance records together with the animation character are presented to the user (e.g. col 7 ln 10 – 35).

17. Regarding claim 11 –

Keiser discloses an asset management advice system according to claim 8 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each

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scenario and data constituting parameters for them to update the database (e.g. col 7 ln 12-25).

18. Regarding claim 12 –

Keiser discloses an asset management advice system according to claim 1 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to user's holding assets and data constituting parameters for them to update the database (e.g. col 8 ln 20-34).

19. Regarding claim 14 –

Keiser discloses an asset management advice system comprising: a communication means for connection to a database storing purchase and sale signals relating to assets to be traded in a market; and a data processing means for producing a suitable investment scenario when a user's property information is inputted from a prescribed input means, referring to the purchase and sale signals to provide management advice data based on the investment scenario to the user and selectively performing an actual or virtual asset transaction in accordance with user's response to the management advice data; the data processing means further producing a plurality of investment scenarios with different characteristics, and management advice data based on one of said investment scenarios selected by the user; and an animation character being set for each investment scenario, the character operates in accordance with the management advice data, to be an interface with the user (e.g. col 6 ln 40-60).

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20. Although Keiser deals specifically with entertainment-industry-related assets, it would be obvious to one of ordinary skill in the art to adapt the invention in Keiser for use with other financial instruments.

21. Additionally, Keiser does not provide the user with trading advice (Lupin at e.g. abs.) provided in real-time (Lupien at e.g. col 3 ln 15-45). Lupien, however, does, as noted above. It would be obvious to combine the teachings of Keiser and Lupien to make a more useful and more user-friendly method of trading and managing assets either virtually or in reality.

22. Regarding claim 15 –

Keiser discloses an asset management advice system according to claim 14 wherein, data relating to prices, the amount of remains and the volume of trading of assets to be traded is utilized as parameters for the purchase and sale signals (e.g. col 7 ln 10 – col 8 ln 10).

23. Regarding claim 16 –

Keiser discloses an asset management advice system according to claim 15 wherein, quantitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals e.g. col 7 ln 10 – 50).

24. Regarding claim 17 –

Keiser discloses an asset management advice system according to claim 15 wherein, qualitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 45-65).

25. Regarding claim 18 –

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Keiser discloses an asset management advice system according to claim 15 wherein, quantitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (e.g. col 7 ln 45-65).

26. Regarding claim 19 –

Keiser discloses an asset management advice system according to claim 15 wherein, qualitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signal (e.g. col 7 ln 20-45).

27. Regarding claim 20 –

Keiser discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (e.g. col 8 ln 55 – 64).

28. Regarding claim 23 –

Keiser discloses an asset management advice system according to claim 14 wherein, the data processing means stores management performance records for a past prescribed period of each investment scenario, and the management performance records together with the animation character are presented to the user (e.g. col 9 ln 5-17).

29. Regarding claim 24 –

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Keiser discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each scenario, and data constituting parameters for them to update the database (e.g. col 7 ln 10 – 35).

30. Regarding claim 25 –

Keiser discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to the user's holding assets and data constituting parameters for them to update the database (e.g. col 7 ln 10 – 35).

31. Regarding claim 26 –

Keiser discloses an asset management advice system according to claim 14 wherein, the user can select either real mode in which to access the market to perform actual asset transactions made by the data processing means in real time, or a virtual mode in which the asset transactions are performed virtually and with no access to the market (e.g. col 7 ln 10 – 35).

32. Regarding claim 27 –

Keiser discloses a recording medium recording an asset management advice program that makes a data processing unit perform steps comprising: a scenario producing process of producing a suitable investment scenario when user's property information is provided as an input; a management advising process of referring to purchase and sale signals relating to an asset to be traded stored in a database to produce management

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advice data based on the investment scenario; and a trading process of performing an asset transaction in accordance with user's response to the management advice data, wherein in the trading process the user can select either a real mode in which to access the market to make actual transactions, or a virtual mode to make transactions virtually using actual market values at the time without making an actual asset transaction, and the results are tracked using actual market results as if an actual transaction had been made in the market (e.g. col 1 ln 55 – col 3 ln 34).

33. Although Keiser deals specifically with entertainment-industry-related assets, it would be obvious to one of ordinary skill in the art to adapt the invention in Keiser for use with other financial instruments.

34. Additionally, Keiser does not provide the user with trading advice (Lupin at e.g. abs.) provided in real-time (Lupien at e.g. col 3 ln 15-45). Lupien, however, does, as noted above. It would be obvious to combine the teachings of Keiser and Lupien to make a more useful and more user-friendly method of trading and managing assets either virtually or in reality.

35. Regarding claim 28 –

Keiser discloses a recording medium according to claim 27 wherein, the asset management advice program further comprises a process in which the data processing unit automatically collects data concerning the purchase and sale signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (e.g. col 7 ln 10 – col 8 ln 10).

36. Regarding claim 29 –

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Keiser discloses a recording medium according to claim 27 wherein, in the scenario producing process a plurality of investment scenarios with different characteristics are produced and the user selects one investment scenario therefrom (e.g. col 7 ln 10 – 50).

37. Regarding claim 30 –

Keiser discloses a recording medium according to claim 29 wherein, in the scenario producing process an animation character is set for each investment scenario and in the management advising process the character operates in accordance with the management advice data, for providing an interface with the user (e.g. col 7 ln 45-65).

38. Regarding claim 31 –

Keiser discloses a recording medium according to claim 30 wherein, the asset management advice program further comprises a process of storing management performance records for a past prescribed period of each investment scenario, and in the management advising process the management performance records together with the animation character are presented to the user (e.g. col 7 ln 50 – col 8 ln 10).

39. Regarding claim 32 –

Keiser discloses a recording medium according to claim 29 wherein, the asset management advice program further comprises a process of automatically collecting data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each scenario and data constituting parameters for them to update the database (e.g. col 7 ln 10 – col 8 ln 10).

40. Regarding claim 33 –

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Keiser discloses a recording medium according to claim 27 wherein, the asset management advice program further comprises a process of automatically collecting data concerning the purchase and sale signals relating to the user's holding assets and data constituting parameters for them to update the data base (e.g. col 7 ln 10 – col 8 ln 10).

41. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

43. Keiser et al (US 5,950,176) discloses a computer-implemented securities trading system with a virtual specialist function.

44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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45. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

47. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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48. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER